

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

SEP 7 4 2012

JULY 11, CLERK  
BY: *D. D. Dugay*  
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LLOYD WAYNE SHEPPARD, )  
Petitioner, ) Civil Action No. 7:11-cv-00540  
v. )  
FINAL ORDER  
HAROLD W. CLARK, ) By: Hon. Glen E. Conrad  
Respondent. ) Chief United States District Judge

This case is before the court on the government's motion to dismiss the petitioner's 28 U.S.C. § 2254 motion for a writ of habeas corpus. For the reasons stated in the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the respondent's motion to dismiss is **GRANTED**; the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** with prejudice; and this action is stricken from the active docket of the court. Based upon the court's finding that petitioner has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to Sheppard and to all counsel of record.

ENTER: This 24<sup>th</sup> day of September, 2012.

John G. Conrad

**Chief United States District Judge**